

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NIKOLIN KUTROLLI, GARIP KUTROLLI,
AND VALENTINA KUTROLLI,

CIVIL ACTION

Plaintiffs,

vs.

No.

DEWAYNE LOGAN, OMAR VANCE,
NANCY VANCE, VICTORY LANE
EXPRESS, LLC AND OTS TRUCKING, LLC

Defendants.

DEFENDANTS' NOTICE OF REMOVAL

AND NOW, come Defendants, Dewayne Logan, Omar Vance, Nancy Vance, Victory Lane Express, LLC and OTS Trucking, LLC, by and through their undersigned counsel, and REMOVE the above-captioned lawsuit pursuant to 28 U.S.C. Section 1441 *et seq.* from the Court of Common Pleas of Philadelphia County, Pennsylvania where it has been assigned Case Number 181200754, to the United States District Court for the Eastern District of Pennsylvania, and in support thereof aver the following:

Removal is Timely

1. On December 6, 2018, Plaintiffs, Nikolin Kutrolli, Garip Kutrolli and Valentina Kutrolli ("Plaintiffs"), filed a Complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania at Case Number 181200754. See Plaintiffs' Complaint attached hereto as Exhibit "A".

2. Defendant, DeWayne Logan, was served with the Complaint on December 10, 2018.
3. Defendant, Omar Vance, was served with the Complaint on December 10, 2018.
4. Defendant, Nancy Vance, was served with the Complaint on December 10, 2018.
5. Defendant, Victory Lane Express, LLC, was served with the Complaint on December 11, 2018.
6. Defendant, OTS Trucking, LLC, was served with the Complaint on December 10, 2018.
7. This Notice of Removal is filed with this Court within thirty (30) days after receipt of the initial pleading by Defendants and within one (1) year after commencement of the action. Therefore, this Notice is timely filed pursuant to 28 U.S.C. Section 1446(b)(1).

Diversity of Citizenship Exists Under 28 U.S.C. Section 1332

8. Upon information and belief, and according to the Complaint, Plaintiff Nikolin Kutrolli is a resident of and domiciled in the State of Massachusetts; and Plaintiffs Garip Kutrolli and Valentina Kutrolli are residents of and domiciled in the State of Connecticut.
9. Defendant DeWayne Logan is a resident of and domiciled in the State of Ohio.
10. Defendant Omar Vance is a resident of and domiciled in the State of Ohio.
11. Defendant Nancy Vance is a resident of and domiciled in the State of Ohio.
12. Defendant Victory Lane Express, LLC was a business entity with a principle place of business and organized under the laws of the State of Ohio.
13. Defendant OTS Trucking, LLC is a business entity with a principle place of business and organized under the laws of the State of Ohio.

14. Plaintiff Nikolin Kutrolli is a citizen of Massachusetts and Plaintiffs Garip and Valentina Kutrolli are citizens of Connecticut. No Defendant is a citizen of either Massachusetts or Connecticut, as they are all located in Ohio.

15. Therefore, complete diversity exists between the parties.

**Amount in Controversy Exceeds \$75,000 for Plaintiffs
Nikolin Kutrolli, Garip Kutrolli and Valentina Kutrolli**

16. Plaintiff Nikolin Kutrolli alleges that Defendants caused severe and permanent injuries that include, but are not limited to: axial lower back pain and left L5 and/or S1 radiculopathy and myofascial pain, as well as damage to his nerves and nervous system. Complaint at ¶16. Plaintiff's Complaint further alleges that Defendants caused an impairment of his earning capacity and power. See Complaint at ¶21.

17. According to the Complaint, Plaintiff Nikolin Kutrolli demands judgment against Defendants in a sum in excess of \$50,000, together with interest and costs.

18. If all of Defendants' defenses fail, and if Plaintiff proves all of his damages, the damages would exceed \$75,000, exclusive of interest and costs. Therefore, the amount in controversy in the state court action, exclusive of interest and costs, exceeds \$75,000.

19. Plaintiff Garip Kutrolli alleges that Defendants caused severe and permanent injuries that include, but are not limited to: right shoulder rotator cuff tear, L5-S1 disk herniation with the left S1 nerve root impingement, mild right lateral disk herniation at L4-L5, mild left lateral disk herniation at L3-L4, leg, neck and arm pain, as well as damage to his nerves and nervous system. Complaint at ¶24. Plaintiff's Complaint further alleges that Defendants caused an impairment of his earning capacity and power. See Complaint at ¶29.

20. According to the Complaint, Plaintiff Garip Kutrolli demands judgment against Defendants in a sum in excess of \$50,000, together with interest and costs.

21. If all of Defendants' defenses fail and if Plaintiff proves all of his damages, the damages would exceed \$75,000, exclusive of interest and costs. Therefore, the amount in controversy in the state court action, exclusive of interest and costs, exceeds \$75,000.

22. Plaintiff Valentina Kutrolli alleges that Defendants caused severe and permanent injuries that include, but are not limited to: multilevel disk desiccation, cervical radiculopathy, lumbar radiculopathy, low back pain, pain in arms and knees, as well as damage to her nerves and nervous system. Complaint at ¶32. Plaintiff's Complaint further alleges that Defendants caused an impairment of her earning capacity and power. See Complaint at ¶37.

23. According to the Complaint, Plaintiff Valentina Kutrolli demands judgment against Defendants in a sum in excess of \$50,000, together with interest and costs.

24. If all of Defendants' defenses fail and if Plaintiff proves all of his damages, the damages would exceed \$75,000, exclusive of interest and costs. Therefore, the amount in controversy in the state court action, exclusive of interest and costs, exceeds \$75,000.

Diversity Jurisdiction is Satisfied

25. Based upon the above, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that the Complaint presents a case where the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states.

26. Notice of Removal has been given to all parties as well as to the Court of Common Pleas of Philadelphia County, Pennsylvania pursuant to 28 U.S.C. § 1446(d).

27. Copies of all remaining pleadings filed in the Philadelphia Court of Common Pleas are attached hereto as Exhibit "B".

28. The current action pending in the Court of Common Pleas of Philadelphia County, Pennsylvania is within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania, and for the reasons stated above, removal of this action to the Eastern District of Pennsylvania is just and proper under the law.

29. In filing this Notice of Removal, Defendants do not waive any affirmative defense it may assert in the within action, nor should any statements in this Notice be construed as admissions to the allegations in Plaintiffs' Complaint.

WHEREFORE, Defendants Dewayne Logan, Omar Vance, Nancy Vance, Victory Lane Express, LLC and OTS Trucking, LLC, pray that this case be removed from the Common Pleas Court of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

PION, NERONE, GIRMAN, WINSLOW
& SMITH, P.C.

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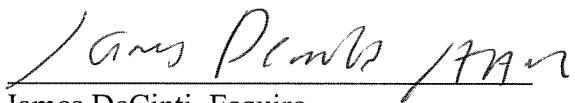
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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing was served upon counsel this 20th day of December, via email, as follows:

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